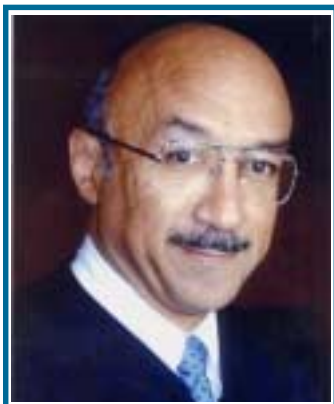


The Circuit Voice

Fall 2000

Washington, D.C.



A Message from the Chief

Now that we are well into the 2000-2001 term, my last as Chief Judge, I think it is a good time to reflect upon some of the changes and accomplishments of the court over the last half dozen years and note some

of the projects that will likely preoccupy the court in the near future.

When I assumed this position in 1994, there were a number of goals that the managers and I identified for the court. In almost all areas—including automation, case management, case dispositions, case backlogs, budget, relations with members of the bar and litigants, and staff training and evaluation, we have met our objectives. Without tiring you with the details (which are presented in the Circuit's most recent report), I can confidently represent that the court's operations are functioning well and do, in fact, provide a model of cutting edge innovation, particularly when it comes to the effective use of new technologies. There are, however, a few areas which bear highlighting as they are of particular interest to the bar.

Consistent with some of our early goals, the court's case processing systems are running smoothly on every front. Our case filings have been hard to predict in recent years, starting with 1,596 new filings in 1995, then dropping to 1,355 in 1996, then rising to 1,554 in 1997 and 1,634 in 1998, then falling again to 1,440 in 1999. For the twelve months ending September 30, 2000, our case filings rose again to 1,506.

Although there is no discernible "trend" in filings, the court has made dramatic improvements in most of its case disposition times since 1995. (See the chart on page 2.) In addition, the court has instituted a firm rule that, save for some unusual circumstance, any case that is heard during a term will be decided during the same term. It is rare that the court carries over an unresolved case from one term to the next.

As I have reported in the past, very few dispositions of the court involve dissenting opinions or, as the press would have it, "ideologically split" panels. During the 1999-2000 term, there were dissents registered in less than two

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BICENTENNIAL CELEBRATION

FOR THE

COURTS OF THE
D.C. CIRCUIT

THURSDAY, MARCH 8
U.S. COURTHOUSE

FRIDAY, MARCH 9
RONALD REAGAN
INTERNATIONAL TRADE CENTER

SEE DETAILS ON PAGE 7

... FROM THE CHIEF

percent of all of the court's decisions. And only ten of 21 opinions in which dissents were registered involved "ideologically split panels," *i.e.*, panels on which the dissenting judge and the judges in the majority were appointed by Presidents from different political parties.

The truth of the matter is that the work of the Court of Appeals is a collegial, not a political enterprise. My colleagues on the court are extremely bright and very independent in their thinking. What makes them notable, however, is their firm commitment to serve the ends of justice. Egos and personal ideologies should be irrelevant in case dispositions, and the members of the court work diligently to make sure that this is always so. When we see things differently in a particular case (a relatively rare occurrence), we are respectful in our deliberations. We invariably learn from one another.

There are some legal scholars and other commentators who would have it otherwise, but, as I have attempted to show in a number of articles, their views do not offer an accurate picture of the court. It has been a pleasure for me to work with my colleagues on the court, both because of the respect that I hold for them and also because I know that we share a purpose to serve the public good.

The composition of the court has changed dramatically in the past two years. In November 1999, after more than 20 years on the bench, Judge Patricia M. Wald left the court to accept an appointment to

the War Crimes Tribunal at The Hague. At the end of last term, Senior Judge James Buckley retired after nearly 15 years on the court. On November 1 of this year, after 15 years of service to the court, Judge Laurence Silberman took senior status. Both Judge Buckley and Judge Wald were sterling members of the court, and they are sorely missed. Judge Silberman, who has always been a major contributor to the work of the court, will be missed in full active status. However, we

appropriated as expected, groundbreaking should take place in early 2002. Construction of the new annex will take approximately three years, with the renovation of the existing building taking an additional three years.

In addition, at the end of this calendar year, the court will decide whether to continue to act as a pilot court for the Case Management and Electronic Case Filing initiative of the Administrative Office of the Courts. The Administrative Office

has experienced delays in the development of an appellate version of the program. As a result, contrary to our hopes, electronic case filing did not begin this fall.

It remains for the court to decide whether it will continue to participate in the Administrative Office's project or explore other options.

Finally, in March, the courts of the circuit will join the D.C. Circuit Historical Society in celebrating the bicentennial of the federal courts in the District. A two-day symposium, which is expected to be both interesting and informative, will be the focal point of the celebration.

I have been lucky during my tenure as Chief Judge because I have had the good fortune to work with some extraordinary people: my colleagues on the U.S. Court of Appeals for the D.C. Circuit, who have been unfailingly patient and supportive during all of my attempts to revamp court management struc-

Category	1995	As of September 2000
Average time from filing to oral argument	468 days (15 months)	378 days (less than 13 months)
Average time from oral argument to disposition	65 days	63 days
Average time from filing to disposition (all cases)	430 days (14 months)	250 days (less than 9 months)
Backlog of pending cases	2,091	1,260

are gratified that he will continue to hear cases while on senior status. As a result of these changes, there are now nine full-time judges and one senior judge on the court. This is the lowest number of full-time judges since 1989, when there were nine active judges on the court for a brief period of two months.

Turning to a few of the court's ongoing projects, the largest for the immediate future will be the construction of an "annex" to the E. Barrett Prettyman United States Courthouse, including renovation of the existing building. Architect Michael Graves has produced an extraordinary design that will meet the functional needs of the courts while complementing the existing architecture on Pennsylvania and Constitution Avenues. Assuming the necessary construction funds are

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tures, case-handling processes, and other systems that make the court work; the court's key managers, who have been brilliant in planning and executing goals to improve the court; an extraordinary court staff that has continuously worked with selfless devotion and with great professionalism to ensure the success of the court's operations; and many talented and thoughtful members of the bar, who have lent their advice to help improve the court's operations and have volunteered their expertise and time to serve as mediators in our Appellate Mediation Program and as members of the court's various advisory committees. I have felt very secure in knowing that the burdens of my administrative and management responsibilities invariably would be lessened because of the contributions of these many able and dedicated people.

I will leave my position next July with profound respect for my judicial colleagues, court managers and staff, and members of the bar, and with unbridled gratitude for the support that I have received while at the helm of the D.C. Circuit. Although the paperwork that comes with judicial administration can be wearisome — indeed, the volume of paper that we process is truly staggering — I have been mostly buoyant over the many things that the court has been able to accomplish in recent years. My term as Chief Judge will end with fond memories and high hopes for the future. Thank you for your support and encouragement.

Harry T. Edwards
Chief Judge

COURTHOUSE TICKER TAPE. . .

On November 1, **Judge Laurence H. Silberman**, who was appointed to the bench in 1985, took senior status.

At the end of the 1999-2000 term, after nearly fifteen years of service on the Court of Appeals, **Senior Judge James L. Buckley** retired. Following Judge Buckley's retirement, **Dee Barrack**, his long-time secretary, transferred to the Clerk's Office.

Chief Judge Edwards has continued to work as a mentor in the program for adolescents at the UNIQUE Learning Center in the Shaw area of Washington, D.C. Last June, he gave the keynote address at the Learning Center's annual banquet.

The spring 2000 issue of the Chicago Journal of International Law contains an account by **former Chief Judge Patricia M. Wald** of her first six months of service as a judge on the International Criminal Tribunal for the Former Yugoslavia. See *Judging War Crimes*, 1 Chi. J. Int'l L. 189-96 (2000). Judge Wald retired from the Court of Appeals in November 1999 to accept her new position at The Hague.

The investiture ceremony for **United States Marshal Donald W. Horton** was held on September 15. Mr. Horton had been the Acting United States Marshal for the District of Columbia since June 1998.

On October 16, friends and colleagues of **former Chief Judge Abner Mikva** gathered in the ceremonial courtroom for the unveiling of his official portrait. Speakers included **Justice John Paul Stevens**, **Attorney General Janet Reno**, **Provost Geoffrey R. Stone** of the University of Chicago Law School and **Martha W. Barnett**, President of the American Bar Association.

1999-2000 Term Statistics: Although case filings increased slightly from 1,456 during the 1998-1999 term to 1,481 during the 1999-2000 term, average case processing time (filing to termination) decreased from 271 days to 268 days with the result that both the number and age of cases pending at the end of this past term were significantly less than at the end of the last term.

JUDGE TATEL ASSISTS IN RESOLUTION OF BALTIMORE SCHOOL CASE

This past spring, at the request of the Honorable Marvin J. Garbis of the U.S. District Court for the District of Maryland, Judge David Tatel agreed to mediate a complicated and emotionally charged case involving the provision of educational services to children with disabilities. As far as anyone knows, this extraordinary use of a federal appellate judge as a mediator has only happened in one other case — the *Microsoft* antitrust suit.

Late last year, Judge Garbis contacted Judge Tatel to ask whether he would mediate a “fascinating but difficult” case that had been on the District’s docket for over fifteen years. Judge Tatel, who as a private practitioner had represented both plaintiffs and defendants in suits involving education law, accepted the challenge.

The case, *Vaughn G., et al. v. Mayor and City Council of Baltimore, et al.*, was brought on behalf of children with disabilities against the City of Baltimore, the Baltimore School Board and, eventually, the State of Maryland. The plaintiffs claimed that the School Board had failed to provide Baltimore’s learning disabled children with the educational services to which they are entitled under the Individuals with Disabilities Education Act (IDEA) and its predecessor statute. In particular, plaintiffs alleged that the City and School

Board were failing to identify and properly evaluate the needs of learning disabled children and were not providing identified children with appropriate services.



Judge David S. Tatel

Similar federal cases are pending against many other school systems. Like *Vaughn*, they involve significant judicial resources and cost litigants millions of dollars in legal fees, while often leaving the affected children without legally required services.

The mediation relied upon a novel mediation technique involving a panel of experts selected by the parties. In an attempt to speed the resolution of the case, Judge Garbis had set a hearing date with the understanding that at the close of the evidence he would determine a set number of “outcomes” or goals derived from the requirements of the IDEA which, if achieved by the School Board in the time specified,

would end the suit. Although the parties prepared to present evidence, they also made it clear that they were interested in a mediated settlement.

The mediation objective was mutual agreement upon the required “outcomes.” The parties suggested that a panel of three education experts be convened — one selected by the plaintiffs, one selected by the defendants and one jointly selected. After meeting with the parties, the panel was to caucus and, drawing upon their expertise and the significant body of literature on the subject, develop a set of recommended goals for the school system. After reviewing the recommendations, the parties were to lodge their objections with Judge Tatel. Judge Tatel was to mediate the objections.

What made this procedure particularly unique was the fact that the parties had agreed that the experts they chose for the mediation panel would be their respective experts at the hearing and that each side could impeach the other side’s expert with the jointly issued recommendations.

Upon the issuance of the experts’ report, the parties filed a number of objections and then met with Judge Tatel. Following four days of shuttling between the litigants by Judge Tatel, including one late night session that lasted well

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past midnight, all but one objection had been resolved.

Judge Tatel and the parties determined that the only possible way to break the impasse was for him to meet directly with the School Board members. Up to that point, the Board's interests had been represented by its attorneys and staff members. That afternoon Judge Garbis entered an order requiring that the School Board members meet with Judge Tatel. They did, and, after further discussion, all parties entered into the agreement that was presented to Judge Garbis.

During his presentation of the settlement agreement, Judge Tatel complimented the attorneys and parties to the suit. He characterized the selection and use of the expert panel as a "brilliant move" and noted that while the attorneys "zealously represented their client's fundamental interest, they also showed great flexibility, imagination and complete dedication to the mediation process." He also thanked Amy Totenburg, the court-appointed monitor who had enthusiastically participated in the mediation and to whom the parties turned with trust and confidence.

For his part, Judge Garbis emphasized just how much the litigants and parties owed Judge Tatel. Standing, he asked the entire courtroom to join him in a round of applause and then warmly thanked Judge Tatel for bringing about a settlement that would have a positive impact on the education of some of Baltimore's most vulnerable children.

JUSTICE GINSBURG'S PORTRAIT UNVEILED



Justice Ginsburg with portrait artist Simmie Knox

On Friday, November 3, 2000, the judges of the United States Court of Appeals were joined by all of the Supreme Court Justices and the judges of the United States District Court for the District of Columbia Circuit, as well as numerous friends and colleagues of Justice Ruth Bader Ginsburg, for the unveiling of a portrait commemorating her years of service on the D.C. Circuit.

Remarks celebrating Justice Ginsburg's pioneering career as a jurist, women's rights advocate, and teacher were offered by Justice Antonin Scalia, Deborah Jones Merritt, a former law clerk to Justice Ginsburg, Kathleen Peratis, former Director of the ACLU Women's Rights Project, and Professor Herma Hill Kay of the University of California at Berkeley. Chief Judge Harry T. Edwards, who presided over the ceremony, also offered a warm tribute to Justice Ginsburg.

Justice Ginsburg joined the D.C. Circuit Court in 1980 and served for 13 years before being appointed to the Supreme Court by President Clinton in 1993. She was a member of the faculty of Rutgers University Law School from 1963 until 1971. In 1972, Justice Ginsburg joined the faculty of Columbia Law School, where she served until her appointment to the bench. Justice Ginsburg was also General Counsel to the American Civil Liberties Union from 1973 to 1980 and the founder of the ACLU's Women's Rights Project.

Justice Ginsburg's husband, Professor Martin Ginsburg, members of her family, her long-time secretaries, Linda O'Donnell and Cathy Vaughn, as well as many of her law clerks and a host of well-wishers were present to mark the occasion.

The oil portrait, commissioned by Justice Ginsburg's former law clerks and painted by artist Simmie Knox, was presented by Albert Cacoza, Jr. Mr. Knox also painted the official portraits of Justice Thurgood Marshall, Judge Spottswood W. Robinson III and Judge Aubrey E. Robinson, Jr.

Consider Televideo Mediation: It's The Next Best Thing To Being There

During the past six months, video-conferencing has emerged as an important, cost-saving resource for litigants and lawyers participating in the court's appellate mediation program. In mid-May, a number of the parties and attorneys in a case involving a western land dispute gathered in Room 5118, the court's state-of-the-art conferencing facility. With the help of a court-appointed mediator, they conducted their first mediation session, conferring long-distance with other parties and lawyers who used similar video-conferencing equipment in the Albuquerque federal courthouse.

In July, a second appellate case — which also involved environmental interests and a host of federal, state and private parties — was video-conferenced, this time via a hook-up between Room 5118 and the federal courthouse in Seattle.

In both cases, the video-conference was hosted and moderated by the volunteer mediator who had been assigned to the case. The mediators opened the conference; asked the participants, both on-screen and in the room, to introduce themselves; allowed each group to make an opening statement; and then moderated the discussion through to its end. The conferencing equipment also enabled those who were in different locations, but representing a single party, to confer together in "break-out sessions" during which other partici-

pants simply left the room.

In both cases, the video-conferencing was extremely successful. Amy Wind, the mediator assigned to the land dispute case, said later, "At first, I didn't know



Mediators Steve Pollak and Amy Wind pose in the court's video-conferencing facility.

what to expect. But the video technique really brought the people out West into the room here in Washington, and it was crucial to have those people so integrally involved. Because previous private mediation efforts had failed, some of them were reluctant even to participate in this process and might have sent only token representation to Washington. The video-conference made it possible for decision-makers and people with technical knowledge to participate in the discussion, and that moved things forward."

Steve Pollak, one of the mediators who was involved in the July meeting, reported that "video-conferencing is a decided asset.

Where you have long distances between the parties and counsel, you can bring all of them together without imposing substantial costs that might not be warranted for a single meeting. While there is clearly an advantage to being in the same room as the mediator, having all the parties visible to one another while communicating is vastly preferable to the traditional telephone conference."

Arrangements for long-distance mediation sessions are handled by the staff of the Appellate Mediation Program, in conjunction with the court's Automation Team. Court staff will locate appropriate conferencing facilities and identify technical contact people in the target location, test the court's

equipment and video connections before each meeting, and remain on stand-by during sessions to provide technical assistance as necessary.

The court welcomes interest in the mediation program. Attorneys may request mediation in a specific case by sending a letter to Mark J. Langer, Clerk of the Court, or completing the "Request to Enter Appellate Mediation Program" form found on the court's internet site. Lawyers are also encouraged to contact the Director of the Alternative Dispute Resolution Program, Nancy Stanley, to discuss, on a confidential basis, whether a particular case is appropriate for mediation.

ANNEX UPDATE



Construction Funds Stalled in HR 5416

Just before midnight on October 30, President Clinton vetoed House Resolution 5416, which would have provided funding for construction of the annex and renovation of the courthouse in FY 2002.

HR 5416, which was passed by the House on September 14 and the Senate on October 12, provided full funding for the courthouse project as designed, rejecting efforts this spring by the Office of Management and Budget to force the elimination of four courtrooms from the design.

The veto does not appear to be related to the courthouse construction funds. Hopefully, the budget issues will be resolved shortly, and funding for the annex will be forthcoming.

BICENTENNIAL CELEBRATION-SYMPOSIUM

MARCH 8-9, 2001

A Symposium organized by the Historical Society of the District of Columbia Circuit will celebrate the 200th anniversary of the Courts of the Circuit on March 8 in the ceremonial courtroom of the E. Barrett Prettyman United States Courthouse and on March 9 in the Ronald Reagan International Trade Center. **Chief Judge Harry T. Edwards** will open the March 8 program and introduce the Keynote Speaker, **Justice Ruth Bader Ginsburg**. A tribute to the District Court by **Chief Judge Norma Holloway Johnson** will follow. On March 9 **Chief Justice William H. Rehnquist** will deliver the luncheon address. In addition, **Justice Antonin Scalia**, together with other jurists, as well as scholars and lawyers, will participate in panel discussions, addressing subjects which should be of great interest to all:

THE DISTRICT COURT AND ITS CONSTITUTIONALLY UNIQUE ROLES

PRESENTERS:

Prof. Charles Ogletree
Prof. Judith Resnik

PANELISTS:

Hon. William B. Bryant
Judith Richards Hope
Darryl W. Jackson
Brendan Sullivan

MODERATOR:

Hon. Joyce Hens Green

THE SPECIAL CONTRIBUTIONS OF THE D.C. CIRCUIT TO ADMINISTRATIVE LAW

PRESENTERS:

Hon. A. Raymond Randolph
Prof. Daniel Ernst

PANELISTS:

Hon. Antonin Scalia
Hon. Lois Schiffer
Richard Wiley
Thomas Williamson

MODERATOR:

Hon. David Tatel

CONSTITUTIONAL CONFRONTATIONS IN THE D.C. CIRCUIT COURTS

PRESENTERS:

Hon. Patricia M. Wald
Prof. Louis Henkin

PANELISTS:

Phoebe Haddon
Maureen Mahoney
John Roberts
Hon. Charles F. C. Ruff

MODERATOR:

Philip Allen Lacovara

EQUALITY DECISIONS OF THE D.C. CIRCUIT COURTS

PRESENTERS:

Prof. Randall Kennedy
Prof. Catharine MacKinnon

PANELISTS:

Prof. Lillian BeVier
Prof. Peter Edelman
Dean Claudio Grossman
Theodore Olson
Prof. Roger Wilkins

MODERATOR:

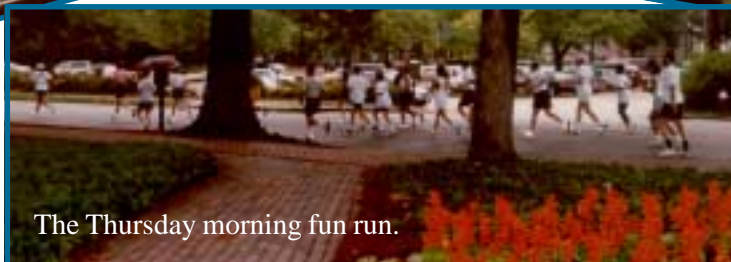
Hon. Jamie Gorelick

SCENES FROM THE 2000 JUDICIAL CONFERENCE

The theme of the D.C. Circuit Judicial Conference – held in Williamsburg, Virginia in June – was the *History of the Future*. The three anchor panels, moderated by Chief Judge Harry T. Edwards, District Judge Paul Friedman and Dean Kathleen Sullivan of Stanford Law School, addressed the challenges ahead for legal education, the practice of law, and the federal judiciary. In addition, Chief Justice Rehnquist addressed conferees on the history and future of the Supreme Court.



A tented BBQ started the Conference on a festive note Wednesday evening.



The Thursday morning fun run.



After welcoming conferees to Williamsburg, Chief Judge Edwards led his panel in a lively debate about the future of legal education and its relationship to the legal profession.



After their presentation, Judge Friedman greets some of his panelists.



At the Thursday evening banquet, the Chief Justice chats with the late Steve Allen, NPR's Nina Totenberg and conferee Judith Richards Hope.



On Friday, Dean Sullivan and her panel discussed issues and challenges facing the judiciary in the 21st Century.



The Inns of Court awarded Judge Flannery, pictured with his wife Rita and his daughter Irene, the prestigious Circuit Professionalism Award on Friday.

Steve Allen In Memoriam 1921 - 2000



During a career that spanned a half-century, Steve Allen left his mark on virtually every field of entertainment. At the Conference banquet, Mr. Allen treated guests to a few of the thousands of songs that he has written in his extraordinary career. Mr. Allen was a renowned entertainer, artist and humanist. His participation in the Conference was greatly appreciated.

THE COURT AND THE COMMUNITY

TUTORING AT J.O. WILSON

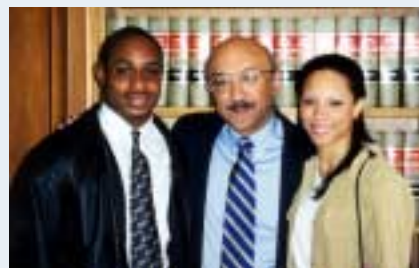
This year marks the fourth anniversary of the circuit's tutoring program at J.O. Wilson Elementary School. Although it originally began with Court of Appeals staff, the program has grown to include some 30 employees from both courts. Volunteers regularly spend a few hours a month one-on-one with some very enthusiastic children.

Assistant Principal Jean Sommerville, the courts' primary point of contact at J.O. Wilson, says that she and Principal Erma Fields are "thrilled" with the tutoring program. "We feel so fortunate that we were chosen as the courts' partners in education," beams Ms. Sommerville.

The tutors also find that they are thrilled by their involvement with the children. MaryAnne McMain, a regular participant from the Court of Appeals Clerk's Office, puts it this way: "Tutoring at J.O. Wilson is a lot of fun. I really like working with the young kids. It's nice because they are so eager to learn; they're little sponges. And I'm so impressed with the school's and parents' commitment to the future of their children and their community."



LEARNING CENTER GRADS RECEIVE AN ASSIST FROM CHIEF JUDGE



Five and a half years ago, Chief Judge Edwards began tutoring Curtis Jones and Ileashea Sheffield, seventh graders participating in the after-school program at the One Ministries UNIQUE Learning Center in the Shaw area of Washington, D.C. Curtis, who graduated from Woodrow Wilson High School, and Ileashea, who graduated from Dunbar High School, are now completing their first semester of college.

Both students credit the Learning Center with broadening their horizons and helping them achieve their goal of obtaining college scholarships. Curtis, who hopes to become a computer programmer, is a freshman at Pennsylvania State University. Ileashea attends Roanoke College where she is majoring in communications and journalism.

The court has a particular interest in these star students as they both interned in the Clerk's Office. The court family wishes Curtis and Ileashea well in their new journeys.

CIRCUIT ARCHITECT GIVES STUDENTS NEW PERSPECTIVE

Earlier this year, Circuit Architect Sara Delgado, drawing on her work on the courthouse annex, gave the fourth-, fifth- and sixth-graders from Bay Montessori School in Lexington Park, Maryland, a lesson in one of the practical applications of geometry. As part of a unique educational program, the students were learning the principles of geometry through the study of architecture. The program culminated in a visit to the courthouse, where the children spent the day seeing how the lessons they learned in the classroom play out in a real-life architectural endeavor -- the annex project.

Joined by Rosemary Grubb of the Space and Facilities Division of the Administrative Office of the U.S. Courts, Sara led the students on a tour of the courthouse, reviewed the plans for the annex, and explained the phases of the annex design process. Sara also compared the proposed courthouse project to the East Wing of the National Gallery of Art, an annex that is recognized as one of the top ten buildings of the Twentieth Century.

"The children were terribly excited about the presentation," according to their teacher, Juliet Gillespie. "Sara brought life to our year-long study of geometry through architecture."

For her part, Sara enjoyed the opportunity to share the annex plans with a new audience.



Sara Delgado, assisted by Rosemary Grubb of the AO, discusses annex plans with elementary students.

EMPLOYEE APPRECIATION DAY 2000

In June of each year, the court family gathers to recognize employees for uniquely outstanding performance during the term. Three awards are given: the Outstanding Employee of the Year Award; Exceptional Accomplishment Awards; and the Peer Award. Congratulations to this year's winners:

OUTSTANDING EMPLOYEE OF THE YEAR



SYLVIA BROWN

EXCEPTIONAL ACCOMPLISHMENT AWARDS

EVA BROWN

JANICE JACKSON

MIKE McGRAIL

MICHELLE SEO

PEER AWARD

JANICE JACKSON

PRACTITIONER NOTES

Advisory Committee Membership Changes

Earlier this year, *Katherine Anne Meyer*, *William Bradford Reynolds* and *Christopher J. Wright* each completed a second term on the **Committee on Procedures**. In addition, *Steven M. Umin* and *Richard J. Leon* completed two terms of service on the **Committee on Admissions and Grievances**. Finally, *Myles V. Lynk*, a long-time member of the **Committee on Pro Bono Legal Services**, stepped down last winter when he accepted a teaching position at Arizona State University College of Law.

The Court of Appeals wishes to thank each of these individuals for their outstanding assistance and expert advice.

The new committee members are – **Committee on Procedures:** *Kenneth S. Geller* of Mayer, Brown & Platt; *Mark I. Levy* of Howrey, Simon, Arnold & White; and *Virginia A. Seitz* of Sidley & Austin. **Committee on Admissions and Grievances:** *Mary Patrice Brown* of the U.S. Attorney's Office and *Martha Purcell Rogers* of Ober, Kaler, Grimes & Shriver. **Committee on Pro Bono Legal Services:** *Katherine L. Garrett* of the Department of Justice.

Changes to Court-Appointed Counsel Letter and Form 72

This fall the court's standard letter to court-appointed counsel was modified, as was form 72, which counsel must fill out prior to oral argument. The new versions of both are available on the court's internet site – www.cadc.uscourts.gov.

Automation Update

Web Pages and Electronic Filing for the Microsoft Case . . .

In early October, the court dedicated a portion of its internet site to information concerning the Microsoft case. The pages provide portable document format (pdf) versions of all of the court's orders, as well as all pleadings filed by the parties since September 26, 2000. These orders and pleadings are available on the day that they are filed. The case docket is also available on the site. Additionally, the page provides links to important orders in the United States District Court. Finally, information concerning oral argument arrangements and accommodations for the public and press will be posted on the site as they are made.

The court is also providing an e-mail notification service for the Microsoft case. Subscribers to the service will receive an e-mail message whenever a pleading, brief, etc. is electronically submitted or the court issues an order or notice in the case. Interested parties may register by following the instructions on the main Microsoft webpage.

New Features On the internet . . .

In addition to the creation of the Microsoft pages, the court recently added some new features to its internet site, including a dynamic home page that automatically changes to provide each day's oral argument schedule, special events information, and notice of the most recently released opinions (including links to the actual text of the opinions and release sheets). The new home-page also contains links to important announcements and to new or recently updated documents.

CM/ECF On Hold . . . The Administrative Office of the United States Courts has experienced delays in the development of an appellate version of the case management and electronic case filing software. As a result, CM/ECF was not implemented this fall. At this time, the court has not decided whether to continue to participate in the Administrative Office's project or to explore other options.